

Amendment

Serial No. 09/996,221

Remarks

All claims were rejected in the action.

After entry of the foregoing amendments claims 27, 28, 29 and 30 remain pending.

Amendments to the last paragraph on page 5 and the first paragraph on page 6 are made above to make the descriptions consistent with drawing Figs. 2 and 3 respectively.

Examiner Interview

Applicant's appreciate Examiner Huynh taking the time to discuss this case with the undersigned on December 23, 2003. The amendments to the claims above were discussed, with the examiner indicating that he would consider the amendments and whether there was sufficient support in the specification for the amendments.

The undersigned notes that in a draft submission made to the examiner in connection with the interview, a proposal to relabel Fig. 2 as Fig. 3 and Fig. 3 as Fig. 2 was made. However, having considered the issue again, the undersigned suggests that the amendments to the specification requested above make more sense than the relabeling of Figs. 2 and 3. The proposed changes make the descriptions of respective Figs. 2 and 3 consistent with the Figs. 2 and 3 themselves, and do not add new matter.

Claims 27-30

Claims 27 and 28 have each been amended to incorporate the limitations of claim 1, with a slight modification to the wording of the "at least one actuator" clause made for clarity. Claims 29 and 30 have each been amended to incorporate the limitations of claim 12.

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Notably, each of these claims requires that the one end of a conveyor be moved along a laterally extending axis, while the other end of the conveyor remains stationary. An example of such a construction is shown in Fig. 2.

In rejecting claims 27-30 the action cites the combination of Whitby '787, Remensperger and Gotthardt et al., and specifically cites Gotthardt et al. as providing the teaching of moving an output end of a first conveyor while an input end of the first conveyor remains stationary. However, in making this rejection the examiner overlooks a critical feature of claims 27-30 that is not found in Gotthardt et al. or the other art relied upon. In particular, each of claims 27-30 requires that the end of the conveyor be moved "along a laterally extending axis" as reflected in the embodiment of original Fig. 2 (now relabeled as Fig. 3), which necessarily means that the end of the conveyor does not pivot, but instead skews. In contrast, the end of the conveyor in Gotthardt et al does not move along such an axis as demonstrated by the fact that the orientation of the axis of the output end of the conveyor changes during pivoting movement of the conveyor. Thus, the combination of Whitby '787, Remensperger and Gotthardt et al. does not make out a *prima facie* case of obviousness of claims 27-30.

With respect to support for claims 27-30, applicant directs the examiner's attention to Fig. 2, which clearly shows an embodiment in which the output end is moved in the direction of arrow B and along a laterally extending axis 36, with the arrow B and axis 36 shown perpendicular to the conveyor direction A. This Fig. 2 embodiment is clearly different than the embodiment of Fig. 3, which shows movement in the direction of slanted arrow B to reflect pivot relative to the input end axis 38. Thus, Fig. 2 clearly reflects an embodiment in which the end of the conveyor does not pivot, thus causing the package to "rotatably slides relative to the belts 16" as stated. Applicants also direct the examiner's attention to the last paragraph on page of the specification, which describes an embodiment in which the conveyor roller is moved along a guide rod. This disclosure also clearly reflects an embodiment in which the end of the conveyor would not pivot.

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With respect to the 112 rejection of claim 28, applicants disagree with the examiner's interpretation of the claim, and have amended the claim slightly for clarity. In particular, claim 28 does not require that the actuator be associated with the input end of the second conveyor while connected to the output end of the first conveyor. While claim 28 states that the actuator controls "a relative lateral position between the output end of the first conveyor and the input end of the second conveyor," this language does not require that the actuator be associated with the output end of the first conveyor. Withdrawal of the 112 rejection is therefore requested.

Conclusion

In view of the foregoing, applicants respectfully request allowance of all of pending claims 27-30.

If the Examiner wishes to discuss any aspect of this Amendment, please contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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